



General Assembly

February Session, 2000

***Amendment***

LCO No. 5504

Offered by:

REP. TULISANO, 29<sup>th</sup> Dist.  
REP. DYSON, 94<sup>th</sup> Dist.  
REP. LAWLOR, 99<sup>th</sup> Dist.  
REP. DIAMANTIS, 79<sup>th</sup> Dist.  
REP. MARTINEZ, 95<sup>th</sup> Dist

REP. PUDLIN, 24<sup>th</sup> Dist.  
REP. NEWTON, 124<sup>th</sup> Dist.  
SEN. PENN, 23<sup>rd</sup> Dist.  
SEN. WILLIAMS, 29<sup>th</sup> Dist.

To: Subst. House Bill No. 5788

File No. 328

Cal. No. 261

***"An Act Concerning Certification And Background Checks For Home Health Aides And Background Checks For Emergency Medical Technicians, For Certain Caregivers And For Nursing Home Employment."***

1 Strike out everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) The Chief Court Administrator shall, develop a  
4 system to accurately assess the risk that an individual under the  
5 supervision of an adult probation officer has to the community and  
6 shall develop classification categories and standards of monitoring for  
7 such individuals based upon the assessment. The purpose of the  
8 classification system shall be to place persons in the community under  
9 close supervision and restriction, to ensure public safety, to utilize  
10 alternatives to incarceration and to contribute to the rehabilitation of

11 persons under the supervision of an adult probation officer.

12 Sec. 2. (NEW) Prior to the arraignment of a person charged solely  
13 with the commission of a misdemeanor, the Department of Mental  
14 Health and Addiction Services shall, with the consent of the arrested  
15 person, cause a clinical assessment to be performed of any person who  
16 has previously received mental health services from the department or  
17 who would reasonably benefit from such services to determine  
18 whether such person should be referred for community-based mental  
19 health services. If the person is determined to be in need of such  
20 services and is willing to accept the services offered, the court shall be  
21 informed of the result of the assessment and the recommended  
22 treatment plan for consideration by the court in the disposition of the  
23 criminal case.

24 Sec. 3. (NEW) Any contract entered into between the Commissioner  
25 of Correction and a provider operating a halfway house, group home,  
26 mental health facility or other community residence to which the  
27 commissioner may transfer or release inmates, shall specify whether  
28 such provider refuses to accept certain inmates and, if so, shall specify  
29 the types of inmates such provider refuses to accept. No such provider  
30 may refuse to accept an inmate pursuant to such contract unless such  
31 inmate is within the type of inmates whose acceptance is specifically  
32 excluded.

33 Sec. 4. The Department of Correction shall enter into a contract with  
34 the Connecticut Correctional Ombudsman, Inc., for the fiscal year  
35 ending June 30, 2001, for the continuation of independent ombudsman  
36 services for the department.

37 Sec. 5. Section 29-151 of the general statutes is repealed and the  
38 following is substituted in lieu thereof:

39 (a) [No such] A professional bondsman shall charge for [his] such  
40 bondsman's commission or fee [more than] fifty dollars for the amount  
41 of bail furnished by [him] such bondsman up to five hundred dollars,  
42 [nor more than] ten per cent of the amount of bail furnished by [him]

43 such bondsman from five hundred dollars up to five thousand dollars,  
44 [nor more than] and seven per cent of the amount of bail furnished by  
45 [him] such bondsman on sums in excess of five thousand dollars.

46 (b) Such commission or fee shall be paid in full prior to or at the  
47 time of the execution of such bail bond. No professional bondsman  
48 shall accept payment of such commission or fee in instalments or  
49 pursuant to any payment plan unless such payment plan has been  
50 notarized and signed by the accused person and indemnitors at the  
51 time of the execution of the bond. A payment plan shall require that  
52 seventy-five per cent of the bond be paid at the time of execution and  
53 the remaining twenty-five per cent of the bond be paid not later than  
54 the disposition of the criminal proceeding. The signed and notarized  
55 payment plan shall be maintained in the office of the professional  
56 bondsman and shall be subject to review by the Department of Public  
57 Safety or other appropriate state agency.

58 (c) No professional bondsman shall charge or offer to charge a  
59 commission or fee other than that prescribed in subsection (a) of this  
60 section.

61 (d) When a professional bondsman has furnished bail to an accused  
62 in a criminal proceeding, the fee which [he] such bondsman receives  
63 therefor shall be credited on account of [his] such bondsman's fee for  
64 any subsequent bail in an increased amount which [he] such  
65 bondsman may furnish for the same person in the same criminal  
66 proceeding; but this provision shall not apply to bail furnished on  
67 appeal of a conviction or bindover of an accused.

68 (e) Each professional bondsman licensed under the provisions of  
69 this chapter shall annually, during the month of January, on forms  
70 furnished by the Commissioner of Public Safety, report to said  
71 commissioner in detail the names of the persons for whom such  
72 bondsman has become surety during the year ended December thirty-  
73 first preceding, with the date, the amount of bond and the fee charged  
74 and paid and such further information as said commissioner requires.

75       Sec. 6. (NEW) (a) A surety bail bond agent licensed under section  
76 38a-660 of the general statutes shall charge for such agent's  
77 commission or fee fifty dollars for the amount of bail furnished by  
78 such agent up to five hundred dollars, ten per cent of the amount of  
79 bail furnished by such agent from five hundred dollars up to five  
80 thousand dollars, and seven per cent of the amount of bail furnished  
81 by such agent on sums in excess of five thousand dollars.

82       (b) Such commission or fee shall be paid in full prior to or at the  
83 time of the execution of such bail bond. No surety bond agent shall  
84 accept payment of such commission or fee in installments or pursuant  
85 to any payment plan unless such payment plan has been notarized and  
86 signed by the accused person and indemnitors at the time of the  
87 execution of the bond. A payment plan shall require that seventy-five  
88 per cent of the bond be paid at the time of execution and the remaining  
89 twenty-five per cent of the bond be paid not later than the disposition  
90 of the criminal proceeding. The signed and notarized payment plan  
91 shall be maintained in the office of the surety bail bond agent and shall  
92 be subject to review by the Insurance Department or other appropriate  
93 state agency.

94       (c) No surety bail bond agent shall charge or offer to charge a  
95 commission or fee other than that prescribed in subsection (a) of this  
96 section.

97       Sec. 7. Section 4b-55 of the general statutes, as amended by section 2  
98 of public act 99-26, section 6 of public act 99-75 and section 48 of public  
99 act 99-241, is repealed and the following is substituted in lieu thereof:

100       As used in this section, section 4b-1 and sections 4b-56 to 4b-59,  
101 inclusive, as amended, unless the context clearly requires otherwise:

102       (a) "Commissioner" means the Commissioner of Public Works;

103       (b) "Consultant" means (1) any architect, professional engineer,  
104 landscape architect, land surveyor, accountant, interior designer,  
105 environmental professional or construction administrator, who is

106 registered or licensed to practice the profession for which such person  
107 is licensed or registered in accordance with the applicable provisions  
108 of the general statutes, or (2) any planner, construction manager or  
109 financial specialist;

110 (c) "Consultant services" shall include those professional services  
111 rendered by architects, professional engineers, landscape architects,  
112 land surveyors, accountants, interior designers, environmental  
113 professionals, construction administrators, planners, construction  
114 managers or financial specialists, as well as incidental services that  
115 members of these professions and those in their employ are authorized  
116 to perform;

117 (d) "University of Connecticut library project" means a project to  
118 renovate and improve the Homer Babbidge Library at The University  
119 of Connecticut;

120 (e) "Firm" means any individual, partnership, corporation, joint  
121 venture, association or other legal entity (1) authorized by law to  
122 practice the profession of architecture, landscape architecture,  
123 engineering, land surveying, accounting, interior design,  
124 environmental or construction administration, or (2) practicing the  
125 profession of planning, construction management or financial  
126 specialization;

127 (f) "Priority higher education facility project" means any project  
128 which is part of a state program to repair, renovate, enlarge, equip,  
129 purchase or construct (1) instructional facilities, (2) academic core  
130 facilities, including library, research and laboratory facilities, (3)  
131 student residential or related student dining facilities, or (4) utility  
132 systems related to such projects, which are or will be operated under  
133 the jurisdiction of the board of trustees of any constituent unit of the  
134 state system of higher education, except The University of Connecticut  
135 provided the project is included in the comprehensive facilities master  
136 plan of the constituent unit pursuant to section 10a-4a or in the most  
137 recent state facility plan of the Office of Policy and Management

138 pursuant to section 4b-23;

139 (g) "Project" means any state program requiring consultant services  
140 if (1) the cost of such services is estimated to exceed fifty thousand  
141 dollars or, in the case of a constituent unit of the state system of higher  
142 education, the cost of such services is estimated to exceed three  
143 hundred thousand dollars, or (2) the construction costs in connection  
144 with such program are estimated to exceed five hundred thousand  
145 dollars; or, in the case of a constituent unit of the state system of higher  
146 education, other than The University of Connecticut, the construction  
147 costs in connection with such program are estimated to exceed two  
148 million dollars;

149 (h) "Selection panel" or "panel" means the State Construction  
150 Services Selection Panel established pursuant to subsection (a) of  
151 section 4b-56 or, in the case of a Connecticut Health and Education  
152 Facilities Authority project pursuant to section 10a-186a, means the  
153 Connecticut Health and Education Facilities Authority Construction  
154 Services Panel established pursuant to subsection (c) of section 4b-56;

155 (i) "User agency" means the state department or agency requesting  
156 the project;

157 (j) "Community court project" means (1) any project to renovate and  
158 improve a facility designated for the community court pilot program  
159 established pursuant to section 51-181c, and (2) the renovation and  
160 improvement of other state facilities required for the relocation of any  
161 state agency resulting from the placement of the community court;

162 (k) "Connecticut Juvenile Training School project" means a project to  
163 develop on a designated site new facilities for a Connecticut Juvenile  
164 Training School in Middletown including, but not limited to,  
165 preparing a feasibility study for, designing, constructing,  
166 reconstructing, improving or equipping said facility for use by the  
167 Department of Children and Families, which is an emergency project  
168 because there is an immediate need for completion of said project to  
169 remedy overcrowding at Long Lane School. Said school shall have an

170 annual average daily population of not more than two hundred forty  
171 residents;

172 (l) "Downtown Hartford higher education center project" means a  
173 project to develop a higher education center, as defined in  
174 subparagraph (B) of subdivision (2) of section 32-600, as amended, and  
175 as described in subsection (a) of section 32-612, as amended, for the  
176 regional community-technical college system;

177 (m) "Correctional facility project" means any project (1) which is  
178 part of a state program to repair, renovate, enlarge or construct  
179 facilities which are or will be operated by the Department of  
180 Correction, and (2) for which there is an immediate need for  
181 completion in order to remedy prison and jail overcrowding; and

182 (n) "Juvenile detention center project" means any project (1) which is  
183 part of a state program to repair, renovate, enlarge or construct  
184 juvenile detention centers which are or will be operated by the Judicial  
185 Department, and (2) for which there is an immediate need for  
186 completion in order to remedy overcrowding.

187 Sec. 8. Subsection (a) of section 4b-58 of the general statutes, as  
188 amended by section 3 of public act 99-26, section 7 of public act 99-75  
189 and section 49 of public act 99-241, is repealed and the following is  
190 substituted in lieu thereof:

191 (a) (1) Except in the case of a project, The University of Connecticut  
192 library project, a priority higher education facility project, a project, as  
193 defined in subdivision (16) of section 10a-109c, undertaken by The  
194 University of Connecticut, a community court project, a correctional  
195 facility project, a juvenile detention center project, the Connecticut  
196 Juvenile Training School project, and the downtown Hartford higher  
197 education center project, the commissioner shall negotiate a contract  
198 for consultant services with the firm most qualified, in the  
199 commissioner's judgment, at compensation which the commissioner  
200 determines is both fair and reasonable to the state. (2) In the case of a  
201 project, the commissioner shall negotiate a contract for such services

202 with the most qualified firm from among the list of firms submitted by  
203 the panel at compensation which the commissioner determines in  
204 writing to be fair and reasonable to the state. If the commissioner is  
205 unable to conclude a contract with any of the firms recommended by  
206 the panel, the commissioner shall, after issuing written findings of fact  
207 documenting the reasons for such inability, negotiate with those firms  
208 which the commissioner determines to be most qualified, at fair and  
209 reasonable compensation, to render the particular consultant services  
210 under consideration. (3) Whenever consultant services are required for  
211 The University of Connecticut library project, a priority higher  
212 education facility project, a community court project, a correctional  
213 facility project, a juvenile detention center project, the Connecticut  
214 Juvenile Training School project, or the downtown Hartford higher  
215 education center project, the commissioner shall select and interview at  
216 least three consultants or firms and shall negotiate a contract for  
217 consultant services with the firm most qualified, in the commissioner's  
218 judgment, at compensation which the commissioner determines is  
219 both fair and reasonable to the state, except that if, in the opinion of the  
220 commissioner, the Connecticut Juvenile Training School project needs  
221 to be expedited in order to meet the needs of the Department of  
222 Children and Families, the commissioner may waive such selection  
223 requirement. Except for the downtown Hartford higher education  
224 center project, the commissioner shall notify the State Properties  
225 Review Board of the commissioner's action within five business days,  
226 for its approval or disapproval in accordance with subsection (i) of  
227 section 4b-23, as amended, except that if, within fifteen days of such  
228 notice, a decision has not been made, the board shall be deemed to  
229 have approved such contract. The Connecticut Juvenile Training  
230 School project shall be exempt from the State Properties Review Board  
231 approval process.

232 Sec. 9. Section 4b-91 of the general statutes, as amended by section 4  
233 of public act 99-26, section 8 of public act 99-75 and section 50 of public  
234 act 99-241, is repealed and the following is substituted in lieu thereof:

235 (a) Every contract for the construction, reconstruction, alteration,

236 remodeling, repair or demolition of any public building for work by  
237 the state, which is estimated to cost more than five hundred thousand  
238 dollars, except (1) a contract awarded by the Commissioner of Public  
239 Works for (A) a community court project, as defined in subsection (j) of  
240 section 4b-55, (B) the Connecticut Juvenile Training School project, as  
241 defined in subsection (k) of section 4b-55, as amended, (C) the  
242 downtown Hartford higher education center project, as defined in  
243 subsection (l) of section 4b-55, as amended, [or] (D) The University of  
244 Connecticut library project, as defined in subsection (d) of section 4b-  
245 55, (E) a correctional facility project, as defined in subsection (m) of  
246 section 4b-55, as amended by this act, or (F) a juvenile detention center  
247 project, as defined in subsection (n) of section 4b-55, as amended by  
248 this act, or (2) a project, as defined in subdivision (16) of section 10a-  
249 109c, undertaken and controlled by The University of Connecticut in  
250 accordance with section 10a-109n, shall be awarded to the lowest  
251 responsible and qualified general bidder on the basis of competitive  
252 bids in accordance with the procedures set forth in this chapter, after  
253 the Commissioner of Public Works or, in the case of a contract for the  
254 construction of or work on a building under the supervision and  
255 control of the Joint Committee on Legislative Management of the  
256 General Assembly, the joint committee or, in the case of a contract for  
257 the construction of or work on a building under the supervision and  
258 control of one of the constituent units of the state system of higher  
259 education, the constituent unit, has invited such bids by  
260 advertisements inserted at least once in one or more newspapers  
261 having a circulation in each county in the state. The Commissioner of  
262 Public Works, the joint committee or the constituent unit, as the case  
263 may be, shall determine the manner of submission and the conditions  
264 and requirements of such bids, and the time within which the bids  
265 shall be submitted, consistent with the provisions of sections 4b-91 to  
266 4b-96, inclusive, as amended. Such award shall be made within sixty  
267 days after the opening of such bids. If the general bidder selected as  
268 the general contractor fails to perform the general contractor's  
269 agreement to execute a contract in accordance with the terms of the  
270 general contractor's general bid and furnish a performance bond and

271 also a labor and materials or payment bond to the amount specified in  
272 the general bid form, an award shall be made to the next lowest  
273 responsible and qualified general bidder. If the lowest responsible and  
274 qualified bidder's price submitted is in excess of funds available to  
275 make an award, the Commissioner of Public Works, the Joint  
276 Committee on Legislative Management or the constituent unit, as the  
277 case may be, is empowered to negotiate with such bidder and award  
278 the contract on the basis of the funds available, without change in the  
279 contract specifications, plans and other requirements. If the award of a  
280 contract on said basis is refused by such bidder, the Commissioner of  
281 Public Works, the Joint Committee on Legislative Management or the  
282 constituent unit, as the case may be, may negotiate with other  
283 contractors who submitted bids in ascending order of bid prices  
284 without change in the contract, specifications, plans and other  
285 requirements. In the event of negotiation with general bidders as  
286 provided herein, the general bidder involved may negotiate with  
287 subcontractors on the same basis, provided such general bidder shall  
288 negotiate only with subcontractors named on such general bidder's  
289 general bid form.

290 (b) Notwithstanding the provisions of this chapter regarding  
291 competitive bidding procedures, the commissioner may select and  
292 interview at least three responsible and qualified general contractors,  
293 and may negotiate with any one of such contractors a contract which is  
294 both fair and reasonable to the state for a community court project, as  
295 defined in subsection (j) of section 4b-55, the downtown Hartford  
296 higher education center project, as defined in subsection (l) of section  
297 4b-55, The University of Connecticut library project, as defined in  
298 subsection (d) of said section, [or] the Connecticut Juvenile Training  
299 School project, as defined in subsection (k) of said section 4b-55, a  
300 correctional facility project, as defined in subsection (m) of section 4b-  
301 55, as amended by this act, or a juvenile detention center project, as  
302 defined in subsection (n) of section 4b-55, as amended by this act. Any  
303 general contractor awarded a contract pursuant to this subsection shall  
304 be subject to the same requirements concerning the furnishing of

305 bonds as a contractor awarded a contract pursuant to subsection (a) of  
306 this section.

307       Sec. 10. The sum of \$1,570,240 appropriated to the Department of  
308 Correction, in section 11 of special act 99-10, as amended by substitute  
309 house bill 5216 of the current session, for Overcrowding Contingency  
310 Account, shall be transferred to the Department of Mental Health and  
311 Addiction Services, for Managed Service System, to implement the  
312 provisions of section 2 of this act and to expand the jail diversion  
313 program.

314       Sec. 11. The sum of \$47,480 appropriated to the Department of  
315 Correction in section 11 of special act 99-10, as amended by substitute  
316 house bill 5216 of the current session, for Overcrowding Contingency  
317 Account, shall be transferred to the Judicial Department for Personal  
318 Services and the position count of the Judicial Department shall be  
319 increased by 30 positions, to implement the provisions of section 1 of  
320 this act.

321       Sec. 12. The sum of \$318,000 appropriated to the Judicial  
322 Department in section 11 of special act 99-10, as amended by substitute  
323 house bill 5216 of the current session, for the Alternative Incarceration  
324 Program, shall be transferred to Personal Services to implement the  
325 provisions of section 1 of this act.

326       Sec. 13. The sum of \$1,557,000 appropriated to the Judicial  
327 Department in section 11 of special act 99-10, as amended by substitute  
328 house bill 5216 of the current session, for the Alternative Incarceration  
329 Program, for residential drug treatment, shall be reallocated for  
330 alternative incarceration centers in the sum of \$994,500 and for  
331 residential drug treatment in the sum of \$562,500 in order to achieve a  
332 ten per cent reduction in the time served of individuals sentenced to  
333 less than two years of imprisonment.

334       Sec. 14. The sum of \$2,868,000 appropriated to the Department of  
335 Correction in section 11 of special act 99-10, as amended by substitute  
336 house bill 5216 of the current session, for Overcrowding Contingency

337 Account, shall be transferred to Community Non-Residential Services  
338 in the sum of \$1,930,500 and to Community Residential Services in the  
339 sum of \$937,500 in order to achieve a ten per cent reduction in the time  
340 served of individuals sentenced to less than two years of  
341 imprisonment.

342 Sec. 15. This act shall take effect July 1, 2000."